THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14928 of 2005

ORDER:

This writ petition is directed against the proceedings issued by the second respondent-Revenue Divisional Officer dated 16.1.2006 suspending the authorization of the petitioner pending enquiry. In fact, questioning the same, petitioner had already filed a statutory appeal before the first respondent-Joint Collector and the same is pending. Along with the appeal, petitioner also filed Stay petition, which was rejected by order dated 9.2.2006. Since the appeal has already been filed, the learned counsel for petitioner states that the order dated 9.2.2006 may be treated as impugned proceedings as the stay was rejected erroneously.

It is the case of the petitioner that the charges made against him are general in nature and even assuming that there are some lapses on her part, they do not call for a severe punishment of suspending the authorisation of petitioner pending enquiry.

The learned Government Pleader states that irregularities are irregularities and it is the discretion of the authorities to suspend the authorization of the petitioner pending enquiry or otherwise, and it all depends upon the circumstances of the case, therefore, no interference is called for by this Court.

It is necessary to notice the irregularities purported to have been committed by the petitioner, which reads as under:

1. That the F.P. Shop dealer has not opened the FP shop at 10.30 A.M. though she is expected to open the FP shop by 8 A.M. Thereby she has violated the clause 22(vi) of APS PDS Control Order, 2001 and clause 3(2) of Annexure to the APS PDS Control Order, 2001 and caused

inconvenience to the cardholders.

2. That the FP shop dealer has not displayed the board showing list of (a) BPL and APL, Anthyodaya and Annapurna beneficiaries (b) Entitlement of essential commodities (c) Scale of issue (d) Retail issue prices (e) Timing of opening and closing of FP shop (f) Stock of essential commodities received during the month (g) Opening and closing stock of E.Cs (h) The authority for redressal of grievances/lodging complaints with respect to quality and quantity of E.Cs. under the PDS. Thereby she has violated the clause 22(v) of APS PDS Control Order, 2001."

I am of the opinion that such irregularities do not call for suspension of authorization of the petitioner pending enquiry. Insofar as first charge is concerned, petitioner stated that she was unwell on that particular day and even otherwise, she has opened the shop at 10.30 a.m. instead of 8 a.m. by producing a medical certificate to the said effect. Insofar as second charge is concerned, it is very general in nature and an enquiry may be conducted, but the decision to suspend the authorization pending enquiry is not warranted.

In view of the above, the impugned proceedings dated 16.1.2006 issued by the second respondent-Revenue Divisional Officer is hereby stayed during the pendency of appeal before the first respondent-Joint Collector. The first respondent is directed to dispose of the main appeal within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is accordingly disposed of. No order as to costs.

C.V.RAMULU, J

Date: 24.7.2006

Note:
Issue C.C. in (2) days.
B/o
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14928 of 2005

24.7.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14928 of 2005

Dated: 24th July, 2006

Between:

V.Ziziya Bai

.. Petitioner

and

The Joint Collector,
Ananthapur, Ananthapur district
and others.

.. Respondents